

Service Date: August 14, 1979

DEPARTMENT OF PUBLIC SERVICE REGULATION  
MONTANA PUBLIC SERVICE COMMISSION  
IN THE MATTER OF MARTIN CITY            )   UTILITY DIVISION  
WATER COMPANY.                            )  
  )   DOCKET NO. 6530  
  )   ORDER NO. 4377b

SUPPLEMENTAL ORDER

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FINDINGS OF FACT

1. On July 20, 1979, the Montana Public Service Commission issued its Supplemental Order No. 4377a. That Order gave the Martin City Water Company an opportunity to request a hearing; that request was made and a public hearing was held at the Martin City Fire Hall on August 1, 1979, at 8:00 P.M.

2. At the Public hearing in this matter, testimony was taken from Wesley F. Johnson, owner/operator of the Martin City Water Company and from the citizens of Martin City, both critics and supporters of Mr. Johnson.

3. Mr. Johnson detailed the problems involved in bringing adequate water service to Martin City, but steadfastly maintained that he is ahead of schedule on his commitment to have the Martin City water system in good working order by the end of 1980. Mr. Johnson also expressed concerns about the citizens' committee that is forming a county water and sewer district to purchase his system. In conclusion, Mr. Johnson agreed with the Commission's Supplemental Order No. 4377a that the line specified in that

order needed to be replaced, and he stated that he is progressing with replacement. Mr. Johnson further stated, however, that until substantial replacement of the total system is complete, little difference may be seen by customers on the "hill" area of Martin City. Also, Mr. Johnson is reluctant to get involved in substantial replacement projects until the status of the proposed water and sewer district is clearer.

4. Public testimony ran the full gamut of complaints, opinions, and expressions of support on all aspects of the water system. All witnesses agreed on the depth of the problems in Martin City but disagreed substantially in their assessments of the quality of Mr. Johnson's efforts to correct these problems. In this sense, the formation and operation of the water district may be taken as a referendum on Mr. Johnson's management of the Martin City Water Company.

5. On the basis of the whole record, the Commission accepts Mr. Johnson's statements in this matter regarding the need for and progress toward the improvements specified in Supplemental Order No . 4377a.

#### CONCLUSIONS OF LAW

1. The Montana Public Service Commission properly exercises jurisdiction over the parties and subject matter in this proceeding.

2. The Commission afforded all parties interested in this proceeding proper notice and an opportunity to participate.

3. The actions ordered herein are reasonable and just.

ORDER

NOW THEREFORE, at a session of the Public Service Commission, Department of Public Service Regulation of the State of Montana, held in its offices at 1227 11th Avenue, Helena, Montana, on the 13th day of August, 1979, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. 6530, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the Martin City Water Company shall proceed immediately to implement the improvements ordered by the Commission in Supplemental Order No. 4377a, namely, provide service to customers by replacing the water line that runs between the school and the main that runs in the alley between Central Avenue and First Avenue South.

IT IS FURTHER ORDERED that a full, true and correct copy of this order be sent forthwith by certified mail to the Martin City Water Company herein, and by first class United States mail to all other appearances herein.

THE FOREGOING ORDER was adopted by the Department of Public Service Regulation of the State of Montana, Public Service Commission, IN OPEN SESSION at Helena, Montana, this 13th day of August, 1979, by a vote of 5-0.

BY ORDER OF THE MONTANA PUBLIC COMMISSION.

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GORDON E. BOLLINGER, Chairman

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CLYDE JARVIS, Commissioner

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THOMAS J. SCHNEIDER, Commissioner

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JAMES R. SHEA, Commissioner

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GEORGE TURMAN, Commissioner

ATTEST:

Laura J. Bird  
Acting Secretary  
(SEAL)

NOTE:        You are entitled to judicial review of the final decision in this matter. If no Motion for Reconsideration is filed, judicial review may be obtained by filing petition for review within thirty (30) days from the service of this order. If a Motion for Reconsideration is filed, a Commission order is final for purpose of appeal upon the entry of a ruling on that motion, or upon the passage of ten (10) days following the filing of that motion. cf. the Montana Administrative Procedure Act, esp. Sec. 2-4-702, MCA; and Commission Rules of Practice and Procedure, esp. 38-2.2 (64)-P2750, ARM.